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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,645	06/20/2006	Moshe Kadesh	46 06 01 NP US	8788
36131 YORAM TSIV	7590 09/14/200 ION	EXAMINER		
P.O. BOX 1307		KLING, CHARLES		
PARDES HANNA, 37111 ISRAEL			ART UNIT	PAPER NUMBER
			4171	
			MAIL DATE	DELIVERY MODE
			09/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions for many be writtened used the provision of 3° CFR 1.130(a). In the overt however, may any by the trinsy filed  - If NO period for regly is specified above, the maximum statulory printed will analyse and will expire SEX (8) MONTHS from the material grade of this communication.  - Failur to require within the set of centedoch period for regive specified above, the maximum statulory printed will analyse and will expire SEX (8) MONTHS from the material grade of this communication.  - Failur to require within the set of extended period for regive with the set of second period of the communication.  - Failur to require within the set of extended period for regive the maximum statulors.  - Failur to require within the set of extended period for regive the maximum statulors.  - Failur to require within the set of extended period for regive the maximum statulors.  - Failur to require within the set of extended period for regive the maximum statulors.  - Failur to require within the provided period of regive the maximum statulors.  - Failur to require within the set of extended period for regive the maximum statulors.  - Failur to require within the provided period for regive the maximum statulors.  - Failur to require with the provided period for regive the maximum statulors.  - Failur to require with the provided period for regiver the maximum statulors.  - Failur to require with the provided period for regiver the set of the maximum statulors.  - Failur to require with the provided period for a set of the provided period for the provided period f		Application No.	Applicant(s)					
CHARLES W. KLING	Office Action Commence	10/596,645	KADESH, MOSHE					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Expansion from may be a validate under the provisions of 37 CFR 1.13(a), in to event, however, may reply be timely find the provision of 37 CFR 1.13(a), in to event, flower, may reply be timely find the communication of the communication	Oπice Action Summary	Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Elebration of them may be available under the provisions of 3 CFR 1180B, in the ownth owner, may a right by thinly find after 5X (6) MONITS from the mailing date of this communication.  Failur for grey which the set or readed period for eyes, with by failure, under the application to become ANANCOMID (34 U.S.C. § 133). Any rophy rocered by the Critica born than the months affort the mailing date of this communication. Plants or grey which the set or readed period for eyes, with by failure, under the application to become ANANCOMID (34 U.S.C. § 133). Any rophy rocered by the Critica born than these months after the mailing date of this communication, even if sinely filed, may roduce any senior plants than disjustment. See 37 CFR 1.7(Hg).  Status  1) □ Responsive to communication(s) filed on 19 February 2009.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.6 is/are pending in the application.  4) □ Claim(s) 1.6 is/are allowed.  4) □ Claim(s) 1.6 is/are rejected.  7) □ Claim(s) 1.6 is/are eljected to.  3) □ Claim(s) 1.6 is/are eljected to.  3) □ Claim(s) 1.6 is/are objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on 0.2-19-09 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on 0.2-19-09 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application paper with the drawing(s) is objected to by the Examiner.  Application from your expected that any objection to the drawing(s) is objected to by the Examiner.  Application from your expected paper in the paper interview of the priority documents have been received.  2 □ Certified	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
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#### **DETAILED ACTION**

**1.** This is the first action on the merits.

2. Claims 1-6 are pending.

## **Drawings**

- 3. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they do not include the following reference sign(s) mentioned in the description: 25 (line 24 of page 4). Perhaps the inventor intended to reference cylinder 24 instead of 25. Corrections to the specification could be made in lieu of corrections to the drawings.
- 4. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because reference character "58" has been used to designate both "coupler" and "screw thread" (Figure 2). Screw thread 60 is mention in the specification (line 10 of page 5) but is shown as 58 in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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### Specification

5. The disclosure is objected to because of the following informalities: The term "trough" appears in line 9 of page 4 making the sentence unclear. Perhaps the applicant meant to use "through". Appropriate correction is required.

- 6. The disclosure is objected to because of the following informalities: The term "my" appears in line 22 of page 6 making the sentence unclear. Perhaps the applicant meant to use "may". Appropriate correction is required.
- 7. The use of the trademark **MIDWEST** (line 12 of page 4) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

# Claim Objections

8. Claims 1-6 are objected to because of the following informalities: The term "pressurising" is used in the first line of each claim. This term is properly spelled "pressurizing" as seen in line 3 of claims 1, 3. Appropriate correction is required.

# Claim Rejections - 35 USC § 102

**9.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

<sup>(</sup>b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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**10.** Claims 1, 3, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DANNE ET AL. (US-3,987,550).

**11.** The elements of claims 1, 3, 5-6, listed below, are anticipated by DANNE ET AL., shown in parenthesis and bold type, as follows:

A pressurizing device (...high pressure...system... lines 6-7 of abstract) for clearing of passageways of liquids and fluids comprising:

- a piston (...piston... line 64 of column 7) for pressurizing a clearing agent;
- a cylinder (...cylinder... line 58 of column 7) for containing said clearing agent, and
- a coupler (...clamp... line 68 of column 2) for connecting said cylinder to a treated device.
- 12. With regard to claims 3, 5-6: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it anticipates the claim. The elements of DANNE ET AL., listed above, also anticipate the elements of claims 3, 5-6 as they are fully capable of clearing passageways in dental hand-pieces, pneumatic systems, and hydraulic systems. See *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)

### Claim Rejections - 35 USC § 103

**13.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

<sup>(</sup>a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Page 5

- **14.** Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being obvious over DANNE ET AL. (US-3,987,550) in view of FRIEDHEIM (US-4,414,037).
- **15.** DANNE ET AL. discloses the elements of claims 1 and 3 (see 102(b) rejection above). DANNE ET AL. does not appear to explicitly/expressly disclose the external threaded cylinder recited in claims 2, 4.
- **16.** However, FRIEDHEIM discloses a threaded connection on the end of a cylinder (lines 41-42 of column 4) in a steam jet cleaning and sterilizing system.
- 17. At the time of the invention, it would have been *prima facie* obvious to one having ordinary skill in the art to modify the cylinder of DANNE ET AL. to include the external threads of FRIEDHEIM, because the technique would improve the connection of the cylinder in view of the teaching of the technique for improvement in other situations.

#### Conclusion

- **18.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. SCHMITZ (US-3,724,076) is considered pertinent as it deals with the use of a piston to force material through a tube.
  - b. THOMPSON (US-3,811,408) is considered pertinent as it performs the same function as the instant invention.
- **19.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES W. KLING whose telephone number is 571-

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270-5524. The examiner can normally be reached on Monday through Friday 8:00 -

4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Barbara Gilliam can be reached on 571-272-1330. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHARLES W. KLING/

Examiner, Art Unit 4171

/Barbara L. Gilliam/

Supervisory Patent Examiner, Art Unit 4133